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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,327	03/13/2007	Wolfram Hoehe	29012/41880	7125
4743	7590	08/19/2009		
MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606-6357			EXAMINER	
			STORMER, RUSSELL D	
			ART UNIT	PAPER NUMBER
			3617	
			MAIL DATE	DELIVERY MODE
			08/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,327	<b>Applicant(s)</b> HOEHNE ET AL.
	<b>Examiner</b> Russell D. Stormer	<b>Art Unit</b> 3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-16 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 April 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08e)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

***Information Disclosure Statement***

The information disclosure statement filed March 16, 2007 has been cross-out and not considered because it is a duplicate of the IDS filed April 3, 3006, which has been considered and made of record.

***Drawings***

The drawings are objected to because in figures 1 and 3, the figure legend must be presented in the same orientation as the figure itself. The figure legends ("Fig. 1" and "Fig. 2") are oriented in portrait and the figures are oriented in landscape with respect to the drawing sheet.

The drawings are objected to because in the tables presented in figures 2a-2c and 4a-4c:

It is not clear what the term "Pkt." is meant to signify.

The term "Abweichung" must be translated into English.

In all of the number values in the tables, the comma in the number must be replaced with a decimal point to properly convey the value set forth. For instance, the value expressed in figure 4a by "9,5190" must be changed to - -9.5190- -.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Drawing figures 1 and 3 do not show the points on the rim profile which would correspond to the coordinates X<sub>1</sub>, X<sub>2</sub>, X<sub>3</sub>, X<sub>4</sub>, Y<sub>1</sub>, Y<sub>2</sub>, Y<sub>3</sub>, and Y<sub>4</sub> set forth in claims 1, 2, 8, and 9.

Therefore, the points on the rim profile which correspond to the coordinates X<sub>1</sub>, X<sub>2</sub>, X<sub>3</sub>, X<sub>4</sub>, Y<sub>1</sub>, Y<sub>2</sub>, Y<sub>3</sub>, and Y<sub>4</sub> must be shown or the feature(s) canceled from the claim(s).

**No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The specification is objected to because in the tables added to page 3 in the preliminary amendment the comma in the numbers in the tables must be replaced with a decimal point to properly convey the value set forth. For instance, the value expressed by "0,426" must be changed to - -0.426- -.

The word "approximately" should be spelled out in line 20 of page 5 and line 2 of page 7. There is no reason for this abbreviation.

On page 6, the sentence in lines 20-22 appears to be incomplete. It appears that maybe a comma should be inserted after "diameter" in line 20.

The measurements set forth in lines 27-31 should be corrected in the manner as those on page 5 were corrected in the amendment to the specification filed April 3, 2006.

Appropriate correction is required.

***Claim Objections***

Claims 1, 2, 8, and 9 are objected to because of the following informalities:

The drawings are objected to because in the tables presented in claims 1, 2, 8, and 9, the comma in the numbers in the tables must be replaced with a decimal point to properly convey the value set forth. For instance, the value expressed by "4,189" in claim 1 must be changed to - -4.189- -.

In line 3 of claim 2 a parentheses is opened but not closed later in the claim.

Appropriate correction is required.

***Allowable Subject Matter***

Claims 1-16 are allowable over the prior art of record.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show railway wheel rim profiles.

This application is in condition for allowance except for the formal matters noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Russell D. Stormer/  
Primary Examiner, Art Unit 3617